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December 17, 2021

Marlene H. Dortch, Secretary
Federal Communications Commission
45 L Street, NW
Washington, DC 20554

Re: Transforming the 2.5 GHz Band, WT Docket No. 18-120; Auction of Flexible-Use Service Licenses in the 2.5 GHz Band for Next-Generation Wireless Services, AU Docket No. 20-429

Dear Ms. Dortch:

As the Commission continues to consider issues related to spectrum in the 2.5 GHz band that will be available in Auction 108, it should ensure a fully transparent auction that allows all potential bidders an equal opportunity to properly assess these spectrum assets.

To that end, we reiterate our suggestion that the FCC collect and make available, or require lessees to make available pursuant to appropriate protective orders, information on the renewal terms for existing leases for prospective bidders to determine whether overlay spectrum will become available in the short or long term.¹ As supported by other potential Auction 108 bidders, the release of relevant terms such as the duration of the leases, whether there are rights of first refusal to renew the lease or purchase the incumbent's licenses, and lease termination provisions would have a potentially dramatic effect on the valuation of the spectrum to be auctioned and may lead to more competitive bidding in the auction.²

A recent Petition for Declaratory Ruling by the Christian College of Georgia, Inc. ("College") highlights why this type of information is significant for Auction 108 to be a competitive, fair auction.³ In its Petition, the College seeks FCC guidance in relation to lease terms incumbents EBS licensees may have that impact the sale of 2.5 GHz licenses to a

¹ See Verizon Comments, AU Docket No. 20-429, at 3 (filed May 3, 2021); Verizon Reply Comments, AU Docket No. 20-429, at 3 (filed May 27, 2021).

² Id. See also Letter from Michael P. Goggin, AT&T, to Marlene H. Dortch, Secretary, FCC, AU Docket No. 20-429, at 3 (Aug. 17, 2021) (AT&T Ex Parte); Letter from Alison Minea, DISH Network Corporation, to Marlene H. Dortch, Secretary, FCC, AU Docket No. 20-429, at 3 (Oct. 20, 2021) (DISH Ex Parte).

³ Petition for Declaratory Ruling of Christian College of Georgia, Inc., Call Sign WND620, Lease No. L000005369 (filed Nov. 3, 2021) ("Petition").



third party.⁴ Namely, the College asks the FCC about the validity of lease terms that prohibit the sale of an EBS license to any party other than the lessee.⁵

That EBS licensees are themselves seeking FCC guidance on lease terms in preparation for potential sale highlights the importance of making the terms available to bidders prior to the start of the auction. As DISH points out, other than the EBS licensees themselves, “only T-Mobile knows whether and when rights to the incumbent licenses within the overlay areas and broader regions will be available.”⁶ And now, an EBS licensee is seeking FCC guidance on whether it can sell to anyone but T-Mobile in the first place, a fact very relevant to any prospective bidders’ valuation of nearby spectrum at auction.

All prospective bidders should have equal access to information on lease terms for spectrum held by EBS licensees that may become available on the secondary market. This information changes the market valuation of the spectrum at auction, allowing bidders to better assess what type of service they may ultimately be able to provide to customers in the area.

We appreciate the FCC’s attention to this issue as it works to design a transparent, fair auction.

Pursuant to Section 1.1206 of the Commission’s rules, a copy of this letter is being filed electronically in the above-referenced docket. Should you have any questions, please contact the undersigned.

Sincerely,

/s/ Greg Romano

Gregory Romano

Vice President and Associate General Counsel

⁴ Id.

⁵ Id.

⁶ DISH Ex Parte at 2.